

# PURCHASING UPDATE



division of  
**Purchasing and  
General Services**

## Defining “Project” when Using the Small Professional Services Solicitation Process (PS)

*Garret Johnston, Purchasing Agent*

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Part 1 of the Utah code defines “Construction Project” and “Professional Service.” But what defines a non-construction Service Project as identified in UC R33-5-108(1)? The PMBOK (Project Management Body of Knowledge) 3rd edition, defines a project as a “temporary endeavor with a beginning and an end and it must be used to create a *unique* product, service or result”. I believe that's a solid definition of a project. When evaluating if the proposed scope of work would fall into the small professional service project category, I would look to see if it's a unique service. R33-5-108(1), for example, could not be applied to services such as delivery or pickup services because these services typically are not unique services or professional services as defined by the Utah Procurement Code. Being a unique service, most likely your interest will be to obtain the most qualified contractor, rather than the best value, who can complete the project on budget.

When preparing to use the Small Professional Services Solicitation Process (PS), focusing on project definition, first, will save you unnecessary solicitation work and potentially prevent a re-solicitation effort prior to project completion. You may ask, “Why is that?” From my experience, loosely defined scopes of work run a higher risk of hitting the small-dollar threshold prior to project completion.

A fully defined project scope includes all buyer-specific requirements including schedule

# JUST THE FAQs

## Statewide Cooperative Contract Portfolio: Clothing

By: Camille Clarke, Purchasing Agent

**Q:** Have the prices detailed in the cost sheet already had the discount percentages applied or are they original prices? Ex: How much would I pay for tube socks on MA3247 & MA3248?

**A:** The prices shown in the "Cost per Dozen" column already reflect a discounted rate. In your example, you would pay \$4.54 for one dozen, one-size fits all tube socks on MA3247 and the rate would be \$4.11 on MA3248. However, if you needed different sizes, quality, or colors in the same category the percentage discount rate would apply at that point.

**Q:** There are clothing items our agency needs that are not demonstrated as categories in the cost sheet, but are available via the vendor's online catalog. Am I still able to purchase those items?

**A:** Yes, you are able to purchase from the vendor's catalog and the discount percentage rate provided in the cost sheet would apply. The discount percentage rate for clothing items not detailed in the cost sheet for both MA3247 & MA3248 is currently 15%. The categories detailed on the cost sheet are only a snapshot of what is frequently ordered. Also, check with UCI to make sure that the additional items are not available through them.

**Q:** Our agency ordered some clothing items from these contracts and the items received were not what I expected. What actions do I need to take to correct this?

**A:** Per the contract, the clothing must be shipped according to the specifications ordered and alternates are not accepted unless authorization is provided by the ordering entity prior to placement of the order. The best practice is to review the quotes provided and have discussions with the vendor regarding the order. The vendors are required to ensure the appropriate order is shipped, however, our responsibility is to ensure we thoroughly review the quotes and pre-order process to avoid any potential mishaps. In the circumstance that the vendor shipped items that do not align with the approved specifications or quote, contact the vendor with specifics as to what is incorrect with the order and possible remedies that are within the parameters of the Contract.

requirements and pertinent specifications (bonds, travel, etc.). With a well-defined project, your most qualified selected vendor should provide you with a well-defined cost quote that's all-inclusive of total project cost, within your budget, and below the maximum small-dollar threshold.

Where PS procurements most often go belly up is when the project exceeds the \$100,000 maximum, most often involving grant money projects. For any PS procurement, it is a risk to use the process if the project is not well defined or if there is even a remote possibility of getting close to \$100k.

What are your options when the total project cost is nearing \$100k and you realize you can't complete it under the maximum legal threshold? A second PS? You can't do another PS because to do so would be to knowingly divide a single procurement 63G-6a-506(8)(a). A sole source? You can't do a sole source unless you can demonstrate that there is only one possible source that can do the scope 63G-6a-802(1)(a). That leaves you with the option of an RFP, Bid or a Part 15 RFSQ procurement to complete the project scope.

A Small Professional Services procurement (PS) can be an effective use of small taxpayer dollars when a project can be well-defined and the total project cost is well south of the \$100,000 small-dollar maximum. PS is a process where we pick the most qualified to do the project rather than the best value (i.e., RFP) where the price is an evaluation criterion.



## Evaluation Teams - Conflict of Interest and Confidentiality

*Rick Straw, State Procurement Manager*

Evaluation committee members are required to abide by various conflict of interest and confidentiality provisions contained in the Utah Procurement Code and Rule. Evaluators may have access to information not generally available to the public and are charged with special professional and ethical responsibilities. This information may include information about proposers that is to be used only during the evaluation process, and for discussion only with fellow RFP evaluation committee members. Evaluators are prohibited from communicating about the evaluation, scoring, or status of any proposal or business entity at any time prior to, during, or after the procurement process. They are also prohibited from using the information obtained for personal benefit, pecuniary or otherwise, or copying and/or disseminating any portion of any proposal at any time prior to, during, or after the procurement process.

A conflict of interest or the appearance of a conflict of interest may occur if a committee member is directly or indirectly involved with an organization that has submitted a proposal for evaluation. Evaluators must inform the person conducting and/or issuing the procurement of any potential conflicts of interest, prior to reviewing any proposals. If they become aware of a

potential conflict of interest as they review a proposal, they must immediately notify the person conducting and/or issuing the procurement. An evaluator may be disqualified if they conduct themselves in a way that could create the appearance of bias or unfair advantage with or on behalf of any competitive proposer, potential proposer, agent, subcontractor, or other business entity, whether through direct association with contract representatives, indirect associations, through recreational activities or otherwise.

The Utah Administrative Code includes various prohibitions that you should review with your evaluation team each time you are doing a new evaluation. For your reference, those provisions are: R33-24-104 Socialization with Vendors and Contractors, R33-24-105 Financial Conflict of Interests Prohibited, R33-24-106 Personal Relationship, Favoritism, or Bias Participation Prohibitions, R33-24-107 Professional Relationships and Social Acquaintances Not Prohibited.

Our [website](#) contains a conflict of interest and confidentiality form that you should feel free to modify to fit your purposes. It contains all of the relevant law and includes a statement that your evaluation committee members can attest to.



## Carpet Cleaning Services

Ashley Tracy, Purchasing Agent

Dirty carpets can now be a thing of the past due to a newly awarded Carpet Cleaning Services State Cooperative Contract. The previous portfolio classified the vendors as AVLs; this new portfolio is multi-award resulting from an RFP. Eligible users are able to pick from seven qualified vendors, four of which are returning from the previous contract. The Carpet Cleaning Services contract covers carpet, tile and grout, vinyl, and stone cleaning. The contract also covers upholstery cleaning, which includes furniture such as sofas, couches, and chairs.

The entire state is covered for service between these seven vendors. Two vendors, MA4018 Wasatch Property Services Inc and MA4019 WJCC Enterprises LLC dba Commercial Floor Source, offer service to the entire state. Please be aware that some vendors include a travel fee if the request is beyond the Salt Lake Valley.

The awarded vendors on this contract have been evaluated to determine that they are able to perform the services requested and are able to comply with certain requirements:

- Perform work outside of normal working hours. Agree to only use high grade commercial equipment.
- Keep all equipment in good repair,

so as not to damage carpet, upholstery, or other surfaces.

- Provide all safety apparatuses necessary to protect employees and facilities and operate equipment safely.
- Pre-treat spots and heavily soiled areas.
- Carpets, upholstery, and fabrics dry time must be no more than eight hours.
- Provide Material Safety Data Sheets upon request for all applicable chemicals used

Eligible users should note that some vendors do have a minimum charge for work done. Please refer to the full contract, attachment c, for a list of costs and possible additional charges.

This contract can be found by searching 'Carpet Cleaning' at [purchasing.utah.gov](https://purchasing.utah.gov).





# UCI

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View the "UCI First" State Use Law (63G-6a-804)

**QUESTIONS? CONTACT US AT 801-522-7931 | UCI.UTAH.GOV**

## Spotlight Article



**Ashely Jackson**

I am the Sustainable Purchasing Intern at the Utah Department of Government Operations. I am a college sophomore at the University of Utah with a major in Environmental and Sustainability studies. I have lived in Utah my whole life, but have traveled outside of the state and the country several times. When I am not working or stuck at home doing loads of homework, I like to spend time with friends and family, and try new things that we find in the city every week. My favorite

thing to do with my friends and family is to try new food places that we find in Salt Lake City and walk around downtown afterwards. When the weather is warm, I like to go outside whether it be going on a hike, walking my dog, or having a picnic. When I am not in Utah, my favorite place to be at is the beach the whole day with my family with food and music. I am very grateful to be working with purchasing for my spring semester this year, as it has been a beneficial learning experience for me and has shown what type of impact my degree can have on the community and the environment.

### Q and A

**Q.** What's the best vacation you have ever been on?

**A.** The best vacation I have ever been on was during this last new year. I went to Ecuador with my family since that is where my family is from. Getting to experience my culture and seeing where my family comes from was a really unique experience for me, and there were many places to see while we were there, such as the equator.

**Q.** What's your biggest fear?

**A.** My biggest fear ever since I was little is snakes. No matter how big or how small, they are the scariest reptiles to me.

## PROCUREMENT TRAINING

### NIGP CHAPTER MEETING & TRAINING

**DATE:** 05/18/2023

**TIME:** 9:00PM— 12:00PM

**TOPICS:** TBD

**PLACE:** Taylorsville State Office Building

*Once open, registration will be through the [nigputah.org](http://nigputah.org) webpage. NIGP-UT chapter members will receive notice through chapter emails. If you wish to join NIGP-UT, visit the webpage and click "Member Login."*

### PEP SEMINAR

**DATE:** 06/15/2023

**TIME:** TBD

**TOPICS:** All Things RFP

**PLACE:** Taylorsville State Office Building

*Registration information will be sent out through the Purchasing Newsletter Group in mid-May.*

### How to Receive the Purchasing Update Newsletter

Did you receive this newsletter from a co-worker? Do you want to receive the Purchasing Update directly? Please send an email to Jessika Huhnke, [jessikahuhnke@utah.gov](mailto:jessikahuhnke@utah.gov)

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Hours: 8:00 am—5:00 pm M-F

